

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

*

BRUCE ALLEN LILLER

*

Plaintiff

*

VS.

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CASE NO.: MJG-02-CV-3390
(Consolidated with MJG-02-CV-3391)

ROBERT KAUFFMAN, et al.

*

**Defendants and
Third-Party Plaintiffs**

*

*

v.

*

ROGER LEE HELBIG

*

Third-Party Defendant

*

* * * * *

**RESPONSE MOTION TO STRIKE AND REPLY TO PLAINTIFFS' ANSWER
TO PRECLUDE TESTIMONY OF JEROEN WALSTRA**

Plaintiffs, Bruce Liller, Michael Liller, Mary Liller, and Dwight Liller, by and through their attorney, Arnold F. Phillips, Esq., in response to Defendants Motion to Strike, say as follows:

1. That Plaintiffs deny the allegations made by Defendants in paragraph numbered 1 and further state that Plaintiffs Response was incorrectly filed on the 18th day of February, 2004 (Document 44 herein) and corrected on the 26th day of February, 2004 upon request by the Court; furthermore, Defendants were in fact provided a copy of the Memorandum accompanying said Motion at the settlement conference herein on the 9th day of February, 2004 (a copy of the settlement package containing the same was also provided to the Honorable Judge Gauvey on the same date).

2. In Answer to the allegations contained in paragraphs numbered 2,3,and 4 of Defendants' Motion, as outlined in Plaintiffs Memoranda Plaintiffs' expert Jereon Walstra holds a Masters Degree in Economics and has post masters credit in vocational economic analysis. Plaintiffs' expert among other factors based his earnings capacity of \$23 per hour for Plaintiff Bruce Liller not only on government statistics but also on the fact that Bruce Liller currently earns \$15 per hour and as a result of his disability needs an \$8 per hour laborer to assist him and carry his tools. The employer of Mr. Liller actually pays a combined \$23 per hour for his services.

WHEREFORE, Plaintiff respectfully requests:

- A. That Defendants' Third Motion in Limine to Preclude the Testimony of Jeroen Walstra be denied;
- B. That Defendants Motion o Strike Plaintiffs' Answer to the same be denied.
- C. And for such other and further relief as the nature of their cause may require.

/S/ Arnold F. Phillips, Esq
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(301) 387-2800

CERTIFICATE OF SERVICE

**I HEREBY CERTIFY, that on this 16th day of March, 2004, the foregoing
was electronically mailed to:**

Kathleen M. Bustraan, Esquire

**Jennifer S. Lubinski, Esquire
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AND

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AND

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